

101 Rec'd PCT/PTO 04 JUN 2001  
09/719017

Atty. Docket #: PH-98/032 (5500\*54)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DUPLICATE

APPLICANT: Jerome Pierrard et al

SERIAL NO: 09/719,017

FILED: Herewith

FOR: "Industrial Method for Producing  
Heterologous Proteins in E. Coli  
And Strains Useful For Said Method"

:  
: ART UNIT:  
: EXAMINER:

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR  
PATENTS, WASHINGTON D.C. 20231 ON THIS 30th DAY OF May 2001.

BY:

*John A. Marshall*

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

In response to the "Notification of Missing Requirements under 35 U.S.C. 371" of March  
30, 2001, please find the enclosed papers:

- 1) Copy of "Combined Declaration and Power of Attorney" form executed by inventors  
Jerome Pierrard, Carole Guitton and Olivier Favre-Bulle which was originally forwarded to the  
PTO on February 27, 2001;
- 2) Copy of PTO Form 1390, "Transmittal Letter to the United States Designated/Elected  
Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371", which was originally forwarded  
to the PTO on February 27, 2001, showing transmittal of the Combined Declaration and Power  
of Attorney and submission of the \$130.00 check to cover the surcharge for missing parts along  
with copy of return postcard; and

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3) Copy of the Notice of Missing Requirements under 35 U.S.C. 371 (FORM PCT/DO/EO/905).

**Remarks**

Because the Declaration was filed with surcharge on February 27, 2001, as shown by the attached documents and return postcard, no response is believed due at this time.

No fee is believed due with the filing of this paper. If Applicants are mistaken, however, please charge any fee due or credit any refund to Deposit Account No. 03-2775.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By Christine M. Hansen

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Attorney for Applicants

CMH/jm (5500\*54)

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TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

PH-98/032

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

09/719,017

INTERNATIONAL APPLICATION NO.  
PCT/FR99/01343INTERNATIONAL FILING DATE  
June 8, 1999PRIORITY DATE CLAIMED  
June 10, 1998

## TITLE OF INVENTION

INDUSTRIAL METHOD FOR PRODUCING HETEROLOGOUS PROTEINS IN E. COLI AND STRAINS USEFULAPPLICANT(S) FOR DO/EO/US FOR SAID METHOD  
Jerome Pierrard et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

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21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. .... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

\$ 0

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	24 - 20 =	4	x \$18.00	\$ 72.00
Independent claims	2 - 3 =	-	x \$80.00	\$ -
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$

TOTAL OF ABOVE CALCULATIONS =

\$ 202.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

\$ 0

SUBTOTAL =

\$ 202.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0

TOTAL NATIONAL FEE =

\$ 202.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$ 202.00

Amount to be  
refunded:

\$

charged:

\$

- a. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Connolly Bove Lodge & Hutz LLP  
1220 Market Street  
P.O. Box 2207  
Wilmington, DE 19899

SIGNATURE

Christine M. Hansen  
NAME

40,634

REGISTRATION NUMBER

CONNOLLY BOVE LODGE & HUTZ LLP

Director of Patents

13698

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2/23

02/23/2001

\$130.00

\$130.00

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